

LITE DEPALMA GREENBERG & RIVAS, LLC

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Attorneys For Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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WYETH,)	
)	
Plaintiff,)	Civil Action No. 03-1293 (WJM)
)	
v.)	
)	
TEVA PHARMACEUTICALS USA, INC. and)	NOTICE OF MOTIONS
TEVA PHARMACEUTICAL INDUSTRIES)	<i>IN LIMINE</i>
LTD.,)	
)	
Defendants.)	

TO: Kevin J. McKenna
Mara E. Zazzali
Gibbons, Del Deo, Dolan, Griffinger & Vecchione P.C.
One Riverfront Plaza
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901 New York Ave., NW
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COUNSEL:

PLEASE TAKE NOTICE that on October 11, 2005 at 10:00 a.m. or at such other time as the Court may set, Defendants will move before the Honorable William J. Martini, U.S.D.J., at the Martin Luther King Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for Orders precluding Plaintiff from introducing at trial :

1. Evidence of secondary considerations of obviousness;
2. Evidence of Willful Infringement and/or Exceptional Case;
3. Testimony of Richard Killworth;
4. Evidence of Copying;
5. Evidence regarding the level, duration, or severity of, or adaptation to, nausea or emesis;
6. Testimony of Dr. Naylor by deposition;
7. Testimony of Dr. Elisio Salinas; and
8. Evidence conflicting with earlier representations concerning clinical studies 600-B-209-US and 600-B-369-US.

PLEASE TAKE FURTHER NOTICE that in support of these motions, Defendants shall rely upon the accompanying Memoranda of Law and Confidential Declaration of Daryl L. Wiesen. A proposed form of Order is submitted herewith.

Dated: September 29, 2005

LITE DEPALMA GREENBERG & RIVAS, LLC

/s/ Allyn Z. Lite
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